

Receipt

PATENT
ATTORNEY DOCKET NO. 50026/012004

Certificate of Mailing: Date of Deposit: September 21, 2001

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Elaine Fabrizio
Printed name of person mailing correspondence

Elaine Fabrizio
Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-------------|--|---------------|-------|
| Applicant: | Keiya Ozawa et al. | Art Unit: | 1646 |
| Serial No.: | 09/905,591 | Examiner: | |
| Filed: | July 13, 2001 | Customer No.: | 21559 |
| Title: | GENE THAT IMPARTS SELECTIVE PROLIFERATIVE ACTIVITY | | |

Assistant Commissioner For Patents
Washington, D.C. 20231

PETITION TO CORRECT FILING RECEIPT

Applicants request that the attached filing receipt be corrected as follows.

Under Applicants, replace "Tsukuba-shi" with --Ibaraki--, and under Title, replace "proliferation" with --proliferative--.

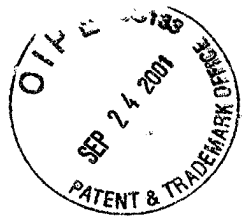
The changes to the Applicants' addresses on the Filing Receipt reflect the proper format for listing the place of residence of a Japanese Applicant.

Attached is a copy of the incorrect Filing Receipt showing the above-referenced corrections, a copy of the Application Cover Sheet, and a copy of the Combined Declaration and Power of Attorney indicating the addresses of the Applicants and the correct title of the application.

TECH CENTER 1600/2900

JUL 24 2002

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If there are any charges or any credits, please apply them to Deposit Account No.

03-2095.

Respectfully submitted,

Date: 21 September 2001

James D. DeCamp, Ph.D.

Reg. No. 43,580

Clark & Elbing LLP
176 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045

FA50026\50026.012004 Petition to Correct Filing Receipt.wpd



21559

PATENT TRADEMARK OFFICE



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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WASHINGTON, D.C. 20231
www.uspto.gov

FILE COPY



Bib Data Sheet

CONFIRMATION NO. 4282

| | | | | |
|--|---|----------------------------------|---|--|
| SERIAL NUMBER 09/905,591 | FILING DATE 07/13/2001 RULE | CLASS 530 | GROUP ART UNIT 1634 | ATTORNEY DOCKET NO. 50026/012004 |
| APPLICANTS Keiya Ozawa, Tochigi, JAPAN; Katsuhisa Itoh, Ibaraki, JAPAN; Tsuneaki Sakata, Osaka, JAPAN; Yasuji Ueda, Ibaraki, JAPAN; Mamoru Hasegawa, Ibaraki, JAPAN; | | | | |
| ** CONTINUING DATA ***** THIS APPLICATION IS A DIV OF 09/142,305 09/10/1999 WHICH IS A 371 OF PCT/JP97/00687 03/05/1997 | | | | |
| ** FOREIGN APPLICATIONS ***** JAPAN 8/47796 03/05/1996 | | | | |
| IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** SMALL ENTITY ** ** 08/27/2001 | | | | |
| Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no 35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance | | STATE OR COUNTRY JAPAN | SHEETS DRAWING 13 | TOTAL CLAIMS 2 |
| Verified and Acknowledged Examiner's Signature _____ Initials _____ | | INDEPENDENT CLAIMS 1 | | |
| ADDRESS 21559 | | | | |
| TITLE Gene that imparts selective proliferative activity | | | | |
| FILING FEE RECEIVED 355 | FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following: | | <input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit | |

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| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLAIMS | IND CLAIMS |
|--------------------|-------------|--------------|---------------|-----------------|----------|------------|------------|
| 09/905,591 | 07/13/2001 | 1646 | 355 | 50026/012004 | 13 | 2 | 1 |

21559
CLARK & ELBING LLP
176 FEDERAL STREET
BOSTON, MA 02110-2214

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AUG 30 2001

CONFIRMATION NO. 4282

FILING RECEIPT



OC000000006484181

CLARK & ELBING

Date Mailed: 08/28/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Keiya Ozawa, Tochigi, JAPAN;
Katsuhisa Itoh, Tsukuba-shi, JAPAN; Replace "Tsukuba-shi" with -- Ibaraki --
Tsuneaki Sakata, Osaka, JAPAN;
Yasuji Ueda, Tsukuba-shi, JAPAN; Replace "Tsukuba-shi" with -- Ibaraki --
Mamoru Hasegawa, Tsukuba-shi, JAPAN; Replace "Tsukuba-shi" with -- Ibaraki --

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A DIV OF 09/142,305 09/10/1999
WHICH IS A 371 OF PCT/JP97/00687 03/05/1997

Foreign Applications

JAPAN 8/47796 03/05/1996

If Required, Foreign Filing License Granted 08/27/2001

Projected Publication Date: 12/06/2001

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Gene that imparts selective proliferation activity

Replace "proliferation" with
-- proliferative --

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JUL 24 2002

TECH CENTER 1600/2900

Preliminary Class
530

Data entry by : KIM, JONATHAN

Team : OIPE

Date: 08/28/2001



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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

PLEASE NOTE the following information about the Filing Receipt:

- The articles such as "**a**," "**an**" and "**the**" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "**new**," "**improved**," "**improvements in**" or "**relating to**" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled GENE THAT IMPARTS SELECTIVE PROLIFERATIVE ACTIVITY, the specification of which

- ☐ is attached hereto.
- ☐ was filed on _____ as Application Serial No. _____ and was amended on _____.
- ☒ was described and claimed in PCT International Application No. PCT/JP97/00687 filed on March 5, 1997 and as amended under PCT Article 19 on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

| Country | Serial Number | Filing Date | Priority Claimed? |
|---------|----------------|---------------|-------------------|
| PCT | PCT/JP97/00687 | March 5, 1997 | Yes |
| Japan | 8/47796 | March 5, 1996 | Yes |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information I know to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:


| Serial Number | Filing Date | Status |
|---------------|-------------|--------|
| | | |

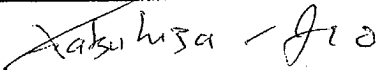
I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Paul T. Clark, Reg. No. 30,162, Karen L. Elbing, Ph.D., Reg. No. 35,238, Kristina Bieker-Brady, Ph.D., Reg. No. 39,109, Christine P. Bellon, Ph.D., Reg. No. 41,611, Susan M. Michaud, Ph.D., Reg. No. 42,885.

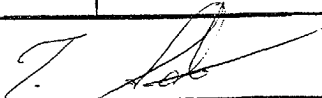
Address all telephone calls to: Paul T. Clark at 617/428-0200.

Address all correspondence to: Paul T. Clark at Clark & Elbing LLP, 176 Federal Street, Boston, MA 02110.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

| Full Name (First, Middle, Last) | Residence Address (City, State, Country) | Post Office Address (Street, City, State, Country) | Citizenship |
|---|---|--|-------------------|
| Keiya OZAWA | Tochigi, JAPAN | C-201, 3-1-3, Gion Minamikawachi-machi Kawachi-gun TOCHIGI 329-0434 JAPAN | Japan |
| Signature:  | | | Date: Aug. 6, '99 |

| Full Name (First, Middle, Last) | Residence Address (City, State, Country) | Post Office Address (Street, City, State, Country) | Citizenship |
|--|---|---|--------------|
| Katsuhisa ITOH | | c/o DNAVEC Research Inc. 25-11Kannondai 1-chome Tsukuba-shi IBARAKI 305-0856 JAPAN | Japan |
| Signature:  | | | Date: 99/8/4 |

| Full Name (First, Middle, Last) | Residence Address (City, State, Country) | Post Office Address (Street, City, State, Country) | Citizenship |
|--|---|--|---------------|
| Tsuneaki SAKATA | Osaka, JAPAN | 24-E-202, Kamishinden 1-chome Toyonaka-shi OSAKA 565-0085 JAPAN | Japan |
| Signature:  | | | Date: 8/11/99 |

| Full Name (First, Middle, Last) | Residence Address (City, State, Country) | Post Office Address (Street, City, State, Country) | Citizenship |
|------------------------------------|---|---|---------------------|
| Yasuji UEDA | | c/o DNAVEC Research Inc. 25-11Kannondai 1-chome Tsukuba-shi IBARAKI 305-0856 JAPAN | Japan |
| Signature: <i>Yasuji Ueda</i> | | | Date: <i>99/8/4</i> |

| Full Name (First, Middle, Last) | Residence Address (City, State, Country) | Post Office Address (Street, City, State, Country) | Citizenship |
|------------------------------------|---|---|---------------------------|
| Mamoru HASEGAWA | | c/o DNAVEC Research Inc. 25-11Kannondai 1-chome Tsukuba-shi IBARAKI 305-0856 JAPAN | Japan |
| Signature: <i>Mamoru Hasegawa</i> | | | Date: <i>August 4 '99</i> |

Certificate of Mailing

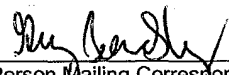
Date of Deposit July 13, 2001

Label Number: EL714747361US

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Guy Beardsley

Printed Name of Person Mailing Correspondence


Signature of Person Mailing Correspondence

APPLICATION
FOR
UNITED STATES LETTERS PATENT

APPLICANT : KEIYA OZAWA, KATSUHISA ITOH, TSUNEAKI SAKATA,
YASUJI UEDA, and MAMORU HASEGAWA

TITLE : GENE THAT IMPARTS SELECTIVE PROLIFERATIVE ACTIVITY